

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Anant V. Hegde, et al.

Serial Number: 10/681,821

Filing Date: October 7, 2003

Title: VASCULAR ASSIST DEVICE AND  
METHODS

Group Art Unit: 3762

Examiner: Nicole R. Kramer

**CONFIRMATION NO: 6623**

**FILED ELECTRONICALLY ON: SEPTEMBER 20, 2006**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request(s) that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☒ *37 CFR §1.97(b)*. This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;  
-- OR --
  - ☒ (3) It is being filed before the mailing of a first Office action on the merits;  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☐ *37 CFR §1.97(c)*. Although this Information Disclosure Statement is being filed after the period specified in *37 CFR §1.97(b)*, above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(c) provided concurrently herewith;  
-- OR --
  - ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ *37 CFR §1.97(d)*. Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(c);  
-- AND --
  - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ *37 CFR §1.97(e)*. Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);  
-- AND/OR --
  - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);  
-- AND/OR --
  - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ *Statement Under 37 C.F.R. §1.704(d)*. Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart

application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. § 1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

- F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

- G. ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

- H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND

☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31513-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: September 30, 2006

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/681,821
				Filing Date	October 7, 2003
				First Named Inventor	Anant V. Hegde
				Art Unit	3762
				Examiner Name	Nicole R. Kramer
Sheet	1	Of	2	Attorney Docket Number	31513-701.201

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Document Number Number-Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US 2003/0214199 A1	11-20-2003	Heim et al.	
	2.	US 2004/0230090 A1	11-18-2004	Hegde et al.	
	3.	US 6,109,852	08-29-2000	Shahinpoor et al.	
	4.	US 6,475,639 B2	11-05-2002	Shahinpoor et al.	
	5.	US 6,543,110 B1	04-08-2003	Pelrine et al.	
	6.	US 6,545,384 B1	04-08-2003	Pelrine et al.	
	7.	US 6,583,533 B2	06-24-2003	Pelrine et al.	
	8.	US 6,664,718 B2	12-16-2003	Pelrine et al.	
	9.	US 6,781,284 B1	08-24-2004	Pelrine et al.	
	10.	US 6,809,462 B2	10-26-2004	Pelrine et al.	
	11.	US 6,812,624 B1	11-02-2004	Pei et al.	
	12.	US 6,891,317 B2	05-10-2005	Pei et al.	
	13.	US 6,911,764 B2	06-28-2005	Pelrine et al.	
	14.	US 7,034,432 B1	04-25-2006	Pelrine et al.	
	15.	US 7,064,472 B2	06-20-2006	Pelrine et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Foreign Patent Document Country Code* - Number* - Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	J*
	16.	WO 01/06575 A1	01-25-2001	SRI International		
	17.	WO 01/06579 A2	01-25-2001	SRI International		
	18.	WO 03/107523 A1	12-24-2003	SRI International		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \*Applicant is required to designate whether (optionally) "See Kind Code of USPTO Patent Documents at: www.uspto.gov or MPEP 901.04." \*Total Office that issued the document, by the two-letter code (WOPI is standard). \*For foreign patent documents, the indication of the year of the right of the Examiner must precede the serial number of the patent document. \*Kind of document by the appropriate symbols as indicated on the document under "WIPO Standard ST 18 if possible." \*Applicant is to place a check mark here if English language translation is attached.

This exclusion of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is intended to take 2 hours to complete, including gathering, preparing, and submitting the completed information form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/681,821
				Filing Date	October 7, 2003
				First Named Inventor	Anant V. Hegde
				Art Unit	3762
Examiner Name	Nicole R. Kramer				
Sheet	2	Of	2	Attorney Docket Number	31513-701.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>4</sup>
	19.	Electroactive Polymer Actuator and Devices. <i>Proceedings of SPIE</i> . (Yoseph Bar-Cohen ed. 2001.) Bellingham: SPIE	

Examiner Signature	Date Considered
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\*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of the form with next communication to applicant. \*Applicant's name/citation designation number (optional). \*See Kind Codes of USPTO Patent Documents at [www.uspto.gov/mpep/00104](http://www.uspto.gov/mpep/00104). \*Date: Office that issued the document, by the two-letter code (WIPO Standard ST 1). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \*Kind of document by the appropriate symbol(s) as indicated on the document under WIPO Standard ST 16 if possible. \*Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.34. This collection is estimated to take 2 hours to complete, including gathering, preparing, and reviewing the completed application form to the USPTO. Fee will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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